itor alone into a joint indebtedness to the original creditor and another party. *Armsby* v. *Farnam*, 33 Mass. 318. Such would presumably be the effect of the arrangement in the principal case, since the bank thereby assumed a joint liability to the intestate and his wife. Cases treating similar agreements as the mere creation by the original depositor of an agency to draw, revocable by his death, may usually be distinguished because of special facts which negative any intent to substitute a joint tenancy in the debt. *Matter of Bolin*, 136 N. Y. 177, 32 N. E. 626; *Gorman* v. *Gorman*, 87 Md. 338, 39 Atl. 1038; *Norway Savings Bank* v. *Merriam*, 88 Me. 146, 33 Atl. 840. The survivor of joint creditors, by analogy to joint tenancies in realty, becomes the sole legal owner of the chose in action. *Hedderley* v. *Downs*, 31 Minn. 183, 17 N. W. 274; *Sessions* v. *Peay*, 19 Ark. 267. Hence the right of the personal representative of the deceased in the principal case to compel the survivor to account is equitable and could rest only on some contractual or fiduciary obligation to the other joint tenant. *Clements* v. *Hall*, 2 De G. & J. 173. See *Freeman* v. *Scofield*, 16 N. J. Eq. 28, 29. Any presumption of a resulting trust because of the consideration moving from the intestate is rebutted by the relationship of husband and wife. *Stevens* v. *Stevens*, 70 Me. 92; *Edgerly* v. *Edgerly*, 112 Mass. 175. And the intent of the settlor, evidenced by the entry, coupled with the joint possession of the pass book, seems to constitute an executed gift of a joint right in the debt, with the usual incident of survivorship. See *Whalen* v. *Milholland*, 89 Md. 199, 43 Atl. 45. *Cf. Bonnette* v. *Molloy*, 138 N. Y. Supp. 67.

CONFLICT OF LAWS — MARRIAGE — VALIDITY OF FOREIGN MARRIAGE. — An Illinois statute prohibited remarriage of any divorced person within one year after the decree was rendered, and declared that a marriage so contracted should be held absolutely void. The defendant and decedent, citizens of Illinois, were married in Missouri within a year after the former had obtained a divorce in Illinois. *Held*, that the marriage is invalid. *Wilson* v. *Cook*, 100 N. E. 222 (Ill.). See NOTES, p. 535.

CONFLICT OF LAWS — MARRIAGE — VALIDITY OF FOREIGN MARRIAGE. — A Colorado statute prohibited remarriage of any divorced person within one year after the decree was rendered, and declared that within that period the court could reopen the decree for cause. Another section of the code provided that a marriage valid where contracted was valid in the courts of this state. The plaintiff and defendant, citizens of Colorado, were married in New Mexico within a year after the former had obtained a divorce in Colorado. *Held*, that the marriage is valid. *Griswold* v. *Griswold*, 129 Pac. 560 (Col.). See NOTES, p. 536.

CONSTITUTIONAL LAW — IMPAIRMENT OF THE OBLIGATION OF CONTRACT — RIGHT OF PURCHASER AT MORTGAGE FORECLOSURE SALE TO RAISE THE QUESTION. — After land had been mortgaged, a statute was passed extending to assignees of the mortgagor the right of redemption after foreclosure sale. On a bill by such an assignee to redeem from one who purchased at a sale after the statute, the purchaser objected to the statute as impairing the obligations of the mortgage contract. *Held*, that he cannot raise the question. *Cowley* v. *Shields*, 60 So. 267 (Ala.).

Statutes altering the conditions affecting redemption after foreclosure sales are generally held unconstitutional as applied to prior mortgages. *Paris* v. *Nordburg*, 6 Kan. App. 260, 51 Pac. 799; *Hollister* v. *Donahoe*, 11 S. D. 497, 78 N. W. 959. A few cases regard these statutes as going only to the remedy, and consequently not within the constitutional prohibition. *Anderson* v. *Anderson*, 129 Ind. 573, 29 N. E. 35; *Butler* v. *Palmer*, 1 Hill (N. Y.) 324. The Supreme Court has held in favor of the general view, and has also settled

the question as to who can attack the constitutionality. The mortgagee himself may do so in the foreclosure proceedings, for it is his own contract that is affected. *Bronson* v. *Kinzie*, 1 How. (U. S.) 311. And if he buys at the foreclosure sale, paying less than the mortgage debt, he retains sufficient of his character of mortgagee to enable him to raise the constitutional question. *Barnitz* v. *Beverly*, 163 U. S. 118, 16 Sup. Ct. 1042. But a stranger who purchases does so under conditions existing at the time of the sale, and cannot object to a statute as impairing the obligations of a contract to which he was not a party. *Hooker* v. *Burr*, 194 U. S. 415, 24 Sup. Ct. 706, overruling *Howard* v. *Bugbee*, 24 How. (U. S.) 461. And where the mortgagee himself buys, paying as much as the mortgage debt, he stands no better than any other purchaser. *Connecticut Mutual Life Ins. Co.* v. *Cushman*, 108 U. S. 51, 2 Sup. Ct. 236. He may protect himself by raising the question in the foreclosure proceedings. *Bronson* v. *Kinzie*, *supra*. But it seems proper to deny the purchaser the right.

CONSTITUTIONAL LAW — POWERS OF LEGISLATURE — TAXATION: VALIDITY OF STATUTE EFFECTIVE ON PASSAGE OF CONSTITUTIONAL AMENDMENT. — A state constitution provided that all persons should be rendered liable to a license tax except those engaged in mining pursuits. A statute was passed providing for a tax on the business of mining oil, but expressly providing that the statute was not to be effective until an amendment making it constitutional was passed. The amendment was passed without mentioning the statute. *Held*, that the statute is of no effect. *Etchison Drilling Co.* v. *Flournoy*, 59 So. 867 (La.).

The mere fact that a statute is to become effective upon a contingency will not make it invalid. *Home Ins. Co.* v. *Swigert*, 104 Ill. 653; *Locke's Appeal*, 72 Pa. St. 491. The court in the principal case recognizes this rule but limits it to cases where the legislature could have enacted the statute unconditionally at the time of its passage, and reasons that here the legislature had absolutely no power to act on this matter. But state constitutions are usually held to be limitations on the power of the legislature. In this case the prohibition at the time of the passage of the act was that no taxes should be levied on mining. And it is submitted that the courts should not imply into a limitation on a coördinate governing body, the additional restriction that no statute dealing with the taxing of mining should be passed. A statute is only unconstitutional, therefore, if it commands taxes to be levied in violation of the express prohibition. But the condition on the statute in the principal case makes it impossible that taxes should be so levied; for the statute is not effective until the levy is made constitutional. *Pratt* v. *Allen*, 13 Conn. 113; *Galveston, B. & C. N. G. Ry. Co.* v. *Gross*, 47 Tex. 428. But *cf. Northern Pacific Ry. Co.* v. *Washington ex rel. Atkinson*, 222 U. S. 370, 32 Sup. Ct. 160. In substance it is clear that no taxpayer at the moment he is taxed will ever under any contingency be able to object that such taxation is at that time beyond the power of the legislature. It might be argued, however, that such legislation infringes upon the sovereign power of the people to amend the constitution. Assuming that such an infringement is unconstitutional, this does not seem to be an infringement. The fact that a statute may become effective is no more a consideration to hamper the free amending power than the possibility that similar statutes may be passed after the amendment.

CORPORATIONS — STOCKHOLDERS: RIGHTS INCIDENT TO MEMBERSHIP — RIGHT OF MINORITY STOCKHOLDER TO RESTRAIN TRANSFER OF CONTROL OF STOCK FROM ONE COMPETITOR TO ANOTHER. — Minority stockholders of a railroad company were granted a temporary injunction restraining the sale of a majority of the stock from one of its competitors to another under an agreement in violation of the Sherman Anti-Trust Act. *Held*, that the injunction